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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,440	03/25/2005	Kenji Yoshida	052340	2202
38834 7590 06/24/2010 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
HESS, DANIEL A				
ART UNIT		PAPER NUMBER		
2876				
NOTIFICATION DATE		DELIVERY MODE		
06/24/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

Office Action Summary

Application No.

10/529,440

Applicant(s)

YOSHIDA, KENJI

Examiner

DANIEL A. HESS

Art Unit

2876

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 6-11 and 35-46 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-34, 50 and 51 is/are allowed.
- 6) ☒ Claim(s) 1-5, 12 and 47-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to applicant's filing of an amendment on 3/12/2010, which has been entered into the electronic file of record.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (US 5,892,846) and Nagasaki et al. (EP 0670555), in view of each other.

Re claim 1, 5: Davis teaches

(column 5, lines 9+): "First the inter-dot spacings are found and the angle between one of the rows having the shortest inter-dot spacings (which is either the column or row axis of the dot matrix code) and a **predefined normal axis is found**. If necessary, the image is then rotated through that angle to a normal orientation in which it may be possible to decode it or "read" it. This may be termed a first attempt at a "read orientation"."

(column 5, lines 18 and 19): "The image is then checked to ensure if it requires reorientation."

(column 5, lines 30-42): "The actual process by which the reorientation in the previous sentence is achieved comprises summing the squares of the inter-dot spacings for all dots lying

on lines running parallel to the above-mentioned normal axis. **This may be designated the x-direction.** Similarly, the squares of the inter-dot spacings are summed for all dots lying on lines running at right angles to the normal axis. **This may be designated the y-direction.** If the sum of the squares of the inter-dot spacings in the x direction are greater than the sum of the squares of the inter-dot spacings in the y direction, then the image is in the correct orientation. Otherwise, the image must be rotated through a right angle so that it can be accurately decoded.”

What is seen above is a method of reading a dot pattern (formed by arranging dots in accordance with rules) which is like that claimed. In particular, a first horizontal line / x-axis is identified and then in relation to that a vertical line / y-axis is found. Then with these two axes established, the dot area can be read.

Lacking in Davis is a teaching that the dot code is used for 'various kinds of multimedia.'

In Nagasaki, media, including audio, is encoded as a dot pattern that can then be extracted using a reader device.

In view of Nagasaki's teachings, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include multimedia data in the Davis encoding because multimedia content is generally perceived as richer and more pleasing than non-multimedia content.

Alternatively, in view of Davis's teachings, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the whole area dot scan of Davis for the stylus-based reader of Nagasaki because a whole-area scan is less-prone to human movement error.

Re claim 2: Nagasaki teaches use of voice-type data.

Re claim 3: See figure 2a of Nagasaki and other figures, where the encoding can be in corresponding relation to images on a page.

Re claim 4: See figure 75 of Nagasaki and columns 74 and 75 of Nagasaki et al. Dots are formed on a seal portion that can be attached to the surface.

Re claim 12: See discussion above. Also note figures 2a and 2b. There is a scanning pen and output, namely audio into the user's earphones.

Re claim 47: See discussion re claim 1, and note throughout Nagasaki et al. that the reader is in the form of a pen-type device.

Re claim 48: See column 12, lines 42-44 for instance in Nagasaki et al. Audio and voice data can be first input in correspondence with codes via a microphone.

Re claim 49: It goes without saying that an encoding scheme involves encoding rules.

As for 'various kinds of multimedia information' there are broad ways to interpret this. Different sounds for instance, as Nagasaki naturally has, can meet the limitation of 'various kinds of multimedia information.'

Allowable Subject Matter

Claims 13-34 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art fails to teach or fairly suggest an arrangement having all other limitations present, where the dot pattern portion includes three different types of dots including key dots, lattice dots and information dots as they are defined in the specification.

Claims 50-51 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art fails to teach or fairly suggest a computer executable program for registering a paper icon which has a dot pattern portion formed on a medium and code information associated with the paper icon by using a scanner connected to an information processing device, having all of the steps recited.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thomas (US 4263504) also teaches reading a dot code area by recognizing a horizontal line of dots and extracting vertical dots in relation to this. Figure 1 of Thomas is illustrative.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL A. HESS whose telephone number is (571)272-2392. The examiner can normally be reached on 9:00 AM - 6:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel A Hess/
Primary Examiner, Art Unit 2876